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January 30, 2023

VIA ECF

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

*Application for
Consolidation of these
two cases is denied.
So ordered.*

Re: **Consent Motion for Consolidation of Related Cases**

Affiliated FM Insurance Company, et al, v. M/V MSC Kerry, et al.

Case No. 1:22-cv-08563

Related Action Caption: *Air Express International USA, Inc. v.*

Mediterranean Shipping Company, S.A., et al.

Related Case No. 1:22-cv-08306

Our File: 6468

*for G/Koeltl
U.S.D.S.*

2/1/23

Dear Judge Koeltl,

We represent Plaintiffs, Affiliated FM Insurance Company ("AFM") and Hasbro Inc. ("Hasbro"), in the above-referenced action ("Subject Action"). We write – together with (1) counsel for Defendants in the Subject Action, Danmar Lines Ltd. and Danmar Lines AG (collectively "Danmar"), who also represents Plaintiff, Air Express International USA, Inc. ("AEI"), in Civil Action No. 1:22-cv-08306 ("Related Action") and (2) a duly authorized representative for Mediterranean Shipping Company, S.A. ("MSC"), the Defendant in the Related Action – to respectfully request the consolidation of the Subject and Related Action into the Subject Action pursuant to Fed.R.Civ.P. 42(a).

The Subject and Related Actions both arise from alleged damages concerning the international carriage of goods by water from Vietnam to the United States in August 2021. (See Docket Entry ("D.E.") 1 at ¶ 5 in the Subject Action and D.E. 1 in the Related Case at ¶ 1). Further, the complaints in both the Subject and Related actions relate to the same underlying events and assert the same or substantially the same operative claims, namely claims for breaches of the duties established by the Carriage of Goods by Sea Act ("COGSA").

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Based on the foregoing, counsel for the above-stated Parties respectfully submit that a consolidation of the Subject and Related Actions into the Subject Action will prompt judicial economy and preserve party resources.

Should Your Honor have any questions regarding the foregoing, please do not hesitate to contact our office. Thank you for your consideration in this joint request.

Respectfully,

KENNEDY LILLIS SCHMIDT & ENGLISH
Attorneys for Plaintiffs in the Subject Action

By:



Nathan T. Williams

WITH THE CONSENT OF:

SPECTOR RUBIN, P.A.
*Attorneys for Defendants in the Subject Action
and Plaintiff in the Related Action*

By: s/ Andrew Spector

Andrew Spector

MSC MEDITERRANEAN SHIPPING
COMPANY USA, INC.
Defendants in the Related Action

By:



Cassidy Rivera